

BOARD OF SUPERVISORS

GILA COUNTY, ARIZONA

Date: September 27, 2005

JOSÉ M. SANCHEZ

Chairman

STEVEN L. BESICH

Clerk of the Board

TOMMIE C. MARTIN

Vice-Chairman

By: Marian Sheppard
Chief Deputy Clerk

SHIRLEY L. DAWSON

Member

Payson College Campus
Payson, Arizona

PRESENT: José M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2nd Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Steve Besich led the Pledge of Allegiance and Father Norman Burke of St. Paul's Episcopal Church delivered the Invocation.

Vice-Chairman Martin requested that the Board instruct David Kennedy, Gila County's water attorney, to proceed with the collection, development and analysis of adequate technical data to provide the Board of Supervisors with factually specific legal advice regarding pumping and landfill issues relative to the Star Valley area. Vice-Chairman Martin provided a history of this issue. She advised that after several meetings were held, the main question which needed to be answered is whether the material at the old landfill located in Star Valley could leach into Star Valley's water system. The County then proceeded to contract with Mr. David Kennedy, an attorney who has expertise in the area of water-related issues. After reviewing the material, Mr. Kennedy informed the Board that there isn't sufficient information for the Board to make a decision. Mr. Kennedy suggested hiring Mr. Herbert H. Schumann, a

hydrologist/geologist, to analyze existing data to determine if the data is reliable and adequate and whether additional data is needed. Vice-Chairman Martin advised that other questions must be answered, as follows: 1) If pumping commences on the wells located in Star Valley; is the water leachable?; 2) Is there adequate monitoring of the subject wells?; 3) Are the wells in the proper location?; 4) Are additional wells needed?; and, 5) If a certain water yield is determined in the future, and if that yield is abided, will the water leach under those conditions? She also pointed out that the data compiled by one entity is not necessarily believed by the other entity. Vice-Chairman Martin stated that Mr. Kennedy will be able to compile all of the data into one concise report which will be released as public information. The Board and Steve Besich, County Manager/Clerk, entered into a discussion regarding the language specified on this agenda item and the instruction/authority that would be given to Mr. Kennedy. Supervisor Dawson expressed a concern that should this agenda item be approved, there is neither specific scope of work, nor any rate of pay for Herbert Schumann, who Mr. Kennedy has hired to help with the collection, development and analysis of the data. Mr. Besich recommended possibly having Mr. Schumann report to the County Public Works Division. He reiterated the Board's need to have an accounting of the methodology for accomplishing the work being done by Mr. Schumann, as well as time frames and deliverables prior to expending County funds. All agreed that a specific scope of work needs to be written before any work is performed by Mr. Schumann. Vice-Chairman Martin stated that the language in this agenda item could instruct Mr. Kennedy to provide a plan of action for the collection, development and analysis of data, which will be presented to the Board. Supervisor Dawson recommended tabling this agenda item in order to prepare the appropriate paperwork which will specify that Mr. Schumann will be under contract with Gila County, not Mr. Kennedy. Chairman Sanchez advised that two members of the audience filled out a Public Participation Form requesting to speak to this agenda item. Mr. Arthur Ray Lyons, a Star Valley

businessman, agreed with Supervisor Dawson that a specific scope of work needs to be written for the work that will be performed by Mr. Schumann. Mr. William S. Rappaport, President of the Diamond Star Water Coalition, also agreed that a scope of work with specific time frames needs to be written for the work that will be performed by Mr. Schumann. Vice-Chairman Martin made a motion to instruct David Kennedy, Gila County's water attorney, to develop a plan of action outlining the steps that will be taken for the collection, development and analysis of adequate technical data to provide the Board of Supervisors with factually specific legal advice regarding pumping and landfill issues relative to the Star Valley area. She added that Mr. Kennedy needs to establish the plan of action within one week from today with a presentation of his plan of action being made to the Board of Supervisors the following week, October 11th. Supervisor Dawson seconded the motion and the Board unanimously agreed to the action as stated by Vice-Chairman Martin.

Chairman Sanchez addressed agenda item number three, which pertains to Gila County's Rabies Control Program for the removal of nuisance wildlife. He advised that each Board member received an e-mail from Mr. Pete Hold and Mr. Dave Hold, owners of Critters Inc., which is a business that handles the removal of nuisance wildlife. This was the second request by Critters Inc. for the County to discontinue its practice of removing nuisance wildlife, so that Critters Inc. would not be in "competition" with the County. Chairman Sanchez advised that the County's Rabies Control Department discontinued setting up traps and removing nuisance wildlife; however, the County commenced with that type of work shortly thereafter because it was learned that some citizens could not afford to pay for this service. He also advised that removing nuisance wildlife is important as many non-domestic animals have rabies which could affect an individual coming into contact with the animal. Vice-Chairman Martin advised that she contacted Bryan Chambers, 2nd Chief County Attorney, for his opinion on situations whereby the County competes with private individuals and/or companies. She cited examples of different

services that are provided by the County which could be considered in competition with private enterprise, such as providing free immunization shots to citizens, paving, County libraries competing with book stores, different types of inspections provided, and how the wellness program provided by the local colleges is indirect competition with local, privately owned fitness centers. Mr. Chambers advised there is a State statute which prohibits State agencies from competing with private industry; however, it does not apply to counties. He advised that the relevant question is, "Does the County have statutory authority to compete with certain services?" Mr. Chambers advised that Title 11 of the Arizona Revised Statutes outlines many of the services that can be provided by the County of which animal removal is included. He emphasized that the statute states "may" not "shall", which means that removal of such animals is not mandated, but rather it is the option of each county to provide such type of services. Mr. Chambers stated that the Board of Supervisors must decide whether the County will provide animal removal services. A discussion ensued between the Board; David Fletcher, Health and Community Services Division Director; and, John Castaneda, Animal Control Supervisor for the Rabies Control Department. It was agreed that the County has always provided services for the removal of nuisance wildlife and this service should not be discontinued. Vice-Chairman Martin stated that should the Board change the existing policy, it must apply countywide. The Board called on Mr. Fletcher to address this issue. Mr. Fletcher advised that he met with Mr. Hold to determine whether the services provided by the County are the same type of services that are provided by Critters, Inc. He advised that the County is most concerned about the exposure of diseases by nuisance animals. Mr. Fletcher clarified that the written document he submitted to the Board on this situation was presented as a memo of record, not a contract with Critters, Inc. He further clarified that the purpose of the document was to "memorialize" his conversation with Mr. Hold. Mr. Castaneda addressed the Board and advised that his department is "looking out for the public", especially if a citizen cannot

afford to pay for the removal of a non-domestic animal. He advised that if the animal cannot be trapped, there will be rabies exposure to citizens resulting in citizens being required to undergo a series of rabies shots. After continued discussion, it was agreed that the County practice of removing nuisance wildlife should continue. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously agreed for the Rabies Control Department to continue with its practice of removing nuisance wildlife when the situation arises and a directive was given to Mr. Fletcher to pass this information to Critters, Inc.

Chairman Sanchez addressed agenda item number four, revisiting future actions required in order to enter into an agreement with the U.S.D.A., Forest Service, Tonto National Forest, to extend the Forest Service Special Use Permit, which is due to expire March 2006. In doing so, this will allow for the continued operation of the Northern Gila County Shooting Range (hereinafter referred to as Range). He advised that the Ron Christensen, previous Chairman of the Board of Supervisors, received a letter dated January 13, 2004, from the Northern Gila County Range Commission (hereinafter referred to as Commission). The letter was written on behalf of the Commission and the Tonto Rim Sports Club, Inc. requesting the Board to contact the Forest Service to initiate the process to extend the Special Use Permit. Chairman Sanchez advised that the Forest Service also sent a letter to the Board which outlines the actions needed to be taken which includes revising the Master Plan for the Range. He reviewed some of the steps needed to be taken before the Special Use Permit expires such as: development of an environmental stewardship plan, development of a safety plan, inspection of the Range by a qualified environmental inspector, certification of inspection by a qualified inspector, etc. Chairman Sanchez advised that there are associated costs related to all of the above. Mr. Forest Switzer, Secretary of the Commission, addressed the Board. He presented the following facts: 1) the Commission was established by the County Board of Supervisors approximately 25 years ago; 2) the Commission

serves as the intermediary between the Forest Service and the Tonto Rim Sports Club, as well as the intermediary between the Board of Supervisors and the Tonto Rim Sports Club; 3) the Commission also ensures that no violations take place at the Range; 4) the Tonto Rim Sports Club maintains the Range; 5) the Tonto Rim Sports Club provides volunteer staff at the Range during the days it is open to the public; 6) the Commission and the Tonto Rim Sports Club have met with the Forest Service to obtain a list of requirements, of which several have been completed; 7) the Tonto Rim Sports Club is in the process of hiring an environmental specialist; and, 8) the Forest Service has assured the Commission that the process to complete this process is lengthy. The most important message conveyed by Mr. Switzer is that should the Special Use Permit expire before all of the requirements have been met and the appropriate paperwork has been submitted to the Forest Service, the Forest Service has agreed to extend the Special Use Permit on a month to month basis until the permit requirements have been met and the new Special Use Permit has been signed. Each Supervisor thanked Mr. Switzer and all of the other members of the Commission and the Tonto Rim Sports Clubs for their continued efforts to provide the public with a well-run and safe shooting range. Sheriff John Armer also expressed his appreciation for this facility because it provides his officers and deputies a safe location to carry out State mandated weapons training and certification. Mr. Switzer advised that the Range is not only a gun shooting range, but it is also an archery range.

Steve Stratton, Public Works Division Director, requested the award of Call for Bids No. 072595-01 for the purchase of chips, AB and asphalt for the Timber Region. He advised that his office received one response to the bid solicitation from Payson Concrete and Materials, Inc., as follows: 1) AB - \$9.25 per ton FOB Tonto Basin Plant including tax and \$14.75 per ton FOB Payson Plant including tax; 2) Asphalt - \$43.50 per ton FOB Payson Plant including tax (9.5mm unit price) and \$41.50 per ton FOB Payson Plant including tax (19.0mm unit price); and, 3) Chips - \$13.75 per ton FOB Tonto

Basin Plant including tax and \$19.00 per ton FOB Payson Plant including tax. He requested that the Board award this bid to Payson Concrete and Materials, Inc. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously awarded Call for Bids No. 072595-01 to Payson Concrete and Materials, Inc. for the above-stated amounts.

Mariano Gonzalez, Emergency Services Division Deputy Director, requested the adoption of Resolution No. 05-09-12 to approve the National Incident Management System (NIMS) as the basis for all incident management in Gila County. Mr. Gonzalez advised that for the past eighteen months Gila County and local agencies have been complying with the NIMS requirements by taking classroom training of IS 700, for example, and also self-awareness and self-assessment training. He stated that his department is in the process of completing the County's Emergency Operations Response Plan, which will be presented to the Board in the next couple of weeks. Mr. Gonzalez advised that during the past eighteen months, the County has responded to wild fires and floods. The NIMS standardized procedures for managing personnel, communications, facilities and resources will improve Gila County's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety and streamline incident management processes. Mr. Gonzalez added that the NIMS also points out areas where future education is needed. The State has asked Gila County to participate in a three-year cycle of education whereby training and equipment are provided at no cost to the County by the Arizona Division of Emergency Management. The Board thanked Mr. Gonzalez for the information he provided. The Board, Mr. Besich and Mr. Gonzalez entered into a conversation on the need for all citizens to have a 72 hour emergency "kit" of food and supplies. Mr. Gonzalez stated that his department recommends every citizen having a five-day emergency supply instead of a three-day supply. Supervisor Dawson advised that she would make it a personal goal to see that all Gila County citizens have this supply on hand. Upon motion by Supervisor Dawson, seconded by Vice-Chairman

Martin, the Board unanimously adopted Resolution No. 05-09-12. **(A copy of the resolution is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved agenda item number seven, Consent Agenda action items A through C, as follows:

- A. Approval of the August 2005 monthly departmental activity report submitted by the Gila County Recorders.
- B. Approval of the personnel reports/actions for the week of September 26, 2005, as follows:

Departure from County Service:

- 1. Executive Director – EECO/EACO – 09-30-05 – EECO/EACO Funds – Martin Moore – Hire 06-28-04 – Resigned for other employment
- 2. Surveillance Officer – Probation – 09-30-05 – AIPS/JIPS Funds - Robert Taylor – Hire 09-06-04 – Resigned – reason unknown
- 3. Road Maintenance Worker II – Public Works – 09-20-05 – Road Fund – Jeff Hunt – Temporary position
- 4. Road Maintenance Worker II – Public Works – 09-20-05 – Road Fund – Ernest Cline – Temporary position
- 5. Probation Aide II – Probation – 09-30-05 – Juvenile Probation Service Fees Fund – Charlotte Schuttinga – Temporary position
- 6. Scalehouse Attendant/Laborer – Solid Waste Management – 09-19-05 - Enterprise Fund – Eddie Lopez – Hire 07-30-01 – Resigned without Notice

Hire to County Service:

- 7. Road Maintenance Worker II – Consolidated Roads – 10-03-05 – Road Fund - Adrian Mata – Replaces Darrell Meeks
- 8. Clerk II – Recorder – 09-26-05 – General Fund- Valerie Castaneda – replaces John Dipinto

Temporary Hire to County Service:

- 9. Clerk – Recorder – 09-22-05 – General Fund - Rondell Curbey

Position Review:

10. Merit Increase – Fiscal Coordinator/Waste Tire Administrator – Solid Waste Management – 09-19-05 – Enterprise/Waste Tire Fund – Fletcher Petty
11. Salary Correction – Deputy Probation Officer I – Probation – 08-22-05 – Diversion Intake Fund – Mike Hawkins
12. Anniversary Date Increase – 09-05-05 – Timoteo Campos
13. Anniversary Date Increase – 09-19-05 – Travis Shields, Deloris Rascon, Robert Dobbs, Cecelia Gonzales, Alberta Lancieri, Angela Torres
14. Reclassification – Justice Court Clerk I – Globe Justice Court – 09-19-05 – General Fund – Jacquelyn Serrano, Angela Ramirez, Stephanie Levario – Grade F to Grade G
15. Reclassification – Justice Court Clerk II – Globe Justice Court – 09-19-05 – General Fund – Regina Casillas – Grade G to Grade H
16. Reclassification – Court Specialist – Globe Justice Court – 09-19-05 – General Fund – Delia Benavidez – Grade J to Grade K
17. Reclassification – Court Supervisor – Globe Justice Court – 09-19-05 – General Fund – Mary Navarro – Grade K to Grade L
18. Salary Adjustment – Justice Court Clerk III – Globe Justice Court – 09-19-05 – General Fund – Rebecca Baeza, Mary Mendez
19. Salary Adjustment – Justice Court Clerk (Part-time) – Globe Justice Court – 09-19-05 – General Fund – Ethel Hammer, Edna Benefield, Mary Allen
20. Salary Adjustment – Collections Officer – Globe Justice Court – 09-19-05 – General Fund – Daniel Alonzo

Request Permission to Post

21. Scalehouse/Laborer – Solid Waste Management – position vacated by Eddie Lopez

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service

22. Detention Officer – Payson S.O. – 09-16-05 – General Fund –
Michael Lorka – Hire 02-14-01 – Retirement

23. Dispatcher II – Globe S.O. – 09-05-05 – General Fund - Bonita
Marcenkowski – Hire 02-21-01 – Resigned – reason unknown

Position Review

24. Anniversary Date Increase – 08-22-05 – Ron Carillo

C. Approval of finance reports/demands/transfers/for the week of September 26, 2005, as follows: \$536,092.31 was disbursed for County expenses by voucher numbers X147316 through X147454, X373322 through X373489, and X373491 through X373538. The hand-issued warrants listing is as follows: X373313 in the amount of \$278.46 and X147315 in the amount of \$100.00.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board convened into Executive Session at 11:52 a.m. to consider whether Gila County should authorize the Arizona Attorney General's Office to appeal the Tax Court's decision in Southwest Gas Corporation v. State Department of Revenue, et. al., TX 2001-000473. A.R.S. §38-431.03 (A)(3) was cited on the agenda as the purpose for holding this Executive Session.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened into the Regular Session at 12:16 p.m.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously tabled this agenda item until October 4, 2005.

There being no further business to come before the Board of Supervisors, Chairman Sanchez adjourned the meeting at 12:17 p.m.

José M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk